CWP No. 571 of 2007 alongwith CWP Nos.577, 578, 579, 580, 584, 585, 586, 587, 588, 593, 594, 595, 596, 597, 598, 599, 600, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 629 and 630 of 2007.

6.11.2007. Present: Pt.Om Parkash and Mr.Rajinder Sharma, counsel for the petitioners in all the writ petitions.
Mr.M.S. Chandel, Advocate General, with Mr.R.M. Bisht, Dy.A.G., for the respondents in all the writ petitions.

All these writ petitions can be disposed of by a common judgment since identical question of law and fact are involved in these cases.

Brief facts are that the State of Himachal Pradesh notified the Great Himalyan National Park as a National Park vide Notification dated 22nd February, 1994 in terms of Section 35(1) of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the Act). Thereafter a proclamation was issued in terms of Section 21 of the Act and acquisition proceedings were commenced in terms of the provisions of Wild Life Protection Act. An award (Annexure P-2) was passed on 21.5.1999.

The case of the petitioners is that Section 11-A of the Land Acquisition Act is applicable to the acquisition made under the Wild Life Protection Act and, therefore, since no further action has been taken after issuance of the Notification under Section 35(1), the whole acquisition proceedings are liable to be quashed. We are not in agreement with this contention. As noted above, the award has been passed on 21.5.1999 pursuant to the Notification. Any party aggrieved by this award could have taken appropriate action as provided, but no writ petition can be entertained 8 years after the award has been announced for quashing the Notification constituting the Great Himalyan National Park.

The other grievance of the petitioners is that they are the right holders in the land, which forms part of the Great National Himalyan Park. According to the petitioners, they had rights under the settlement report prepared by Anderson to collect medicinal plants etc. from the land in question and it is on the basis of this report that they claim compensation as right holders in the land. According to the petitioners, no notice was issued to them after the award was announced and there has been no determination of their rights.

We are not going into the merits of the question whether the petitioners have any right or not in the land in question. However, since they claim to have right in the land, we are of the view that they may move appropriate application alongwith necessary supporting documents to the Deputy Commissioner-cum-Collector on or before 31st December, 2007. In case all or any of the petitioners file such petitions claiming compensation for acquisition of their rights in the land, the Deputy Commissioner-cum-Collector, after giving the parties reasonable opportunity of leading evidence and hearing the parties, shall determine their rights and pass appropriate orders on or before 31st March, 2008. Needless to say, the order passed by the Deputy Commissioner-cum-Collector shall be a reasoned and speaking order. In case the petitioners are aggrieved by the order of the Deputy Commissioner-cum-Collector, they shall be at liberty to approach the appropriate forum.

All the writ petitions shall stand disposed of in the aforesaid terms. There shall be no order as to costs.

In view of the final disposal of the main petitions, all the pending miscellaneous applications are also disposed of.

(Deepak Gupta), J.

November 6, 2007. **(V.K. Ahuja), J.**
(TILAK)